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Hani El-Gebaly

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EXAMINER

LE, VIET Q

ART UNIT

PAPER NUMBER

2667

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/895,291	EL-GEHALY ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Viet Q. Le	2667	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>06/29/2001</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed June 29, 2001 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the submitted paper titled "Dialpad Communications" lacks the date. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-4, 7-11, 19 and 23 are rejected under 35 U.S.C. 102(a) as being anticipated by ITU-T H.323, hereinafter referred to as H.323.

Regarding claim 1, H.323 disclosed a system comprising: a stimulus client configured to receive user input requesting an Internet Protocol (IP) telephony service and communicate the received input over a packet-based network using a standard call control protocol; a call agent, executing on a remote server connected to the packet-based network, configured to perform the requested IP telephony service based on the received input (See Fig. 1 & 2. H.323 describes stimulus signaling procedures between H.323 terminals and a Feature Server functional entity. This stimulus method allows the network service provider to implement new supplementary services for the terminals without changes in the terminal software, which results in easier maintenance. For interoperability, standard H.225.0 signaling is used for basic call control. Mechanisms based on Recommendation H.248 are used to manipulate physical terminations such as speaker or handset).

Regarding claim 2, H.323 disclosed a system in which the stimulus client comprises an application layer configured to communicate with an end-user and a call control protocol stack configured to communicate with the call agent using the standard call control protocol (See Fig. 1 & 2. H.323 describes stimulus signaling procedures between H.323 terminals and a Feature Server functional entity. This stimulus method allows the network service provider to implement new supplementary services for the terminals without changes in the terminal software, which results in easier maintenance. For interoperability, standard H.225.0 signaling is used for basic call control. Mechanisms based on Recommendation H.248 are used to manipulate physical terminations such as speaker or handset).

Regarding claim 3, H.323 disclosed a system in which the stimulus client's call control protocol stack comprises a Media Gateway Control Protocol (MGCP) stack (See section 1: "Mechanisms based on Recommendation H.248 are used to manipulate physical terminations such as speaker or handset". H.248 is Media Gateway Control Protocol (MGCP) stack).

Regarding claim 4, H.323 disclosed a system in which the stimulus client's call control protocol stack comprises an ITU-T H.248 stack (See section 1: "Mechanisms based on Recommendation H.248 are used to manipulate physical terminations such as speaker or handset". H.248 is Media Gateway Control Protocol (MGCP) stack).

Regarding claim 7, H.323 disclosed a system which the call agent comprises: a feature server configured to provide telephony services to telephony endpoints; a signaling gateway communication between the feature server and one or more endpoints; and configured to facilitate one or more call to facilitate control protocol stacks signaling between the call agent configured and the one or more endpoints (See section 1.4 & 2. Because a stimulus terminal does not perform H.450 supplementary services, the feature server is responsible for providing a proxy function for handling of the H.450 procedures over the network on behalf of the terminal. The interaction with the user happens through the telephone user interface, which the feature server is able to control via the H.323 stimulus signaling. The essential requirement for an H.323-based stimulus protocol is to provide a set of capabilities that allow supporting endpoints access to a potentially unlimited set of supplementary services. A feature server typically controls these services themselves).

Regarding claim 8, H.323 disclosed a system in which the feature server is capable of providing supplementary services to one or more endpoints (See section 1.4 & 2. Because a stimulus terminal does not perform H.450 supplementary services, the feature server is responsible for providing a proxy function for handling of the H.450 procedures over the network on behalf of the terminal. The essential requirement for an H.323-based stimulus protocol is to provide a set of capabilities that allow supporting endpoints access to a potentially unlimited set of supplementary services).

Regarding claim 9 H.323 disclosed services comprise ITU-T H.450 supplementary services (See section 1.4. H.450 is written for supplementary services).

Regarding claim 10 H.323 disclosed a system which the feature server provides non standard telephony services to one or more endpoints (See section 2, line 9. One of the goals of the protocol H.323 is to support for arbitrary standard and non-standard supplementary services).

Regarding claim 11, H.323 disclosed a system in which one or more call control protocol stacks comprise one or more of a Media Gateway Control Protocol (MGCP) stack, an ITU-T H.248 stack, a Session Initiation Protocol (SIP) stack, and an ITU-T H.323 stack (See fig. 1 and 2. Fig.1 &2 show H.323 protocol is supported in communicating with the stimulus terminal).

Regarding claim 19, H.323 disclosed a method comprising: response receiving user input requesting initiation of Internet Protocol telephony service, downloading and launching an IP telephony client application; receiving at the IP telephony client input from a user identifying a telephony service; communicating received input to a feature

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server; and based on the communicated input, performing the identified telephony service the feature server (See Fig. 1 & 2. H.323 describes stimulus signaling procedures between H.323 terminals and a Feature Server functional entity. This stimulus method allows the network service provider to implement new supplementary services for the terminals without changes in the terminal software, which results in easier maintenance. Standard H.225.0 signaling is used for basic call control).

Regarding claim 23, H.323 disclosed the method in which the IP telephony client communicates with the feature server using a standard call control protocol (See Fig. 1 & 2. H.323 describes stimulus signaling procedures between H.323 terminals and a Feature Server functional entity. Standard H.225.0 signaling is used for basic call control).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over H.323 in view of the submitted paper in the IDS on the "Dialpadchameleon, hereinafter referred to as Dialpad.

Regarding claim 5, H.323 disclosed a system comprising: a stimulus client configured to receive user input requesting an Internet Protocol (IP) telephony service and communicate the received input over a packet-based network using a standard call control protocol; a call agent, executing on a remote server connected to the packet-based network, configured to perform the requested IP telephony service based on the received input (See Fig. 1 & 2. H.323 describes stimulus signaling procedures between H.323 terminals and a Feature Server functional entity. This stimulus method allows the network service provider to implement new supplementary services for the terminals without changes in the terminal software, which results in easier maintenance. For interoperability, standard H.225.0 signaling is used for basic call control. Mechanisms based on Recommendation H.248 are used to manipulate physical terminations such as speaker or handset).

H.323, however, fails to disclose the application layer comprises a user interface having a plurality of graphical controls.

Dialpad disclosed a PC window comprises a user interface for dialing the telephone number and the volume control as graphical controls (See section "How to use Dialpadchameleon").

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the graphical control interface into the client application, the motivation being that with the graphical interface, it would be easier for users to use the phone service at the PC level.



Regarding claim 21, H.323 failed to disclose the method in which downloading and launching an IP telephony client application comprises transparently downloading, from a user's perspective, a set of commands to be interpreted and performed by a process executing on a computer platform associated with the user.

Dialpad disclosed downloading and launching an IP telephony client application comprises transparently downloading, from a user's perspective, a set of commands to be interpreted and performed by a process executing on a computer platform associated with the user (See section "How to use Dialpadchameleon").

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the downloading and the launching of the client application to the PC level the set of commands performed by the users, the motivation being that by transparently downloading the current required software features to the PC users, it would be easier for the users to keep up to date the current software level of the feature server.

6. Claims 6, 12, 14-18, 20 and 29, are rejected under 35 U.S.C. 103(a) as being unpatentable over H.323 in view of Gregory E. Pounds et al. (US 2004/0001479 A1) hereinafter referred to as Pounds.

Regarding claim 6, 12, 20 and 29 H.323 disclosed a system comprising: a stimulus client configured to receive user input requesting an Internet Protocol (IP) telephony service and communicate the received input over a packet-based network using a standard call control protocol; a call agent, executing on a remote server connected to the packet-based network, configured to perform the requested IP

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telephony service based on the received input (See Fig. 1 & 2. H.323 describes stimulus signaling procedures between H.323 terminals and a Feature Server functional entity. This stimulus method allows the network service provider to implement new supplementary services for the terminals without changes in the terminal software, which results in easier maintenance. For interoperability, standard H.225.0 signaling is used for basic call control. Mechanisms based on Recommendation H.248 are used to manipulate physical terminations such as speaker or handset).

H.323, however, fails to disclose the received user input comprises Dual Tone Multi-Frequency (DTMF) input.

Pounds disclosed Dual Tone Multi-Frequency (DTMF) input could be used at the input level of the communication system (See DETX paragraph 12).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the DTMF tones at the user phone, the motivation being that by incorporating the DTMF tones, the phone can communicate with regular standard phones on the market and being able to access to certain digital features of the feature server.

Regarding claim 14, H.323 disclosed the application in which the call control protocol comprises a Media Gateway Control Protocol (MGCP) (See section 1.2 lines 1-3. H.248 was developed for endpoints, such as telephones and residential gateways).

Regarding claim 15, H.323 disclosed the application in which the call control protocol comprises an ITU-T H.248 protocol (See section 1: "Mechanisms based on

Recommendation H.248 are used to manipulate physical terminations such as speaker or handset". H.248 is Media Gateway Control Protocol (MGCP) stack).

Regarding claim 16, H.323 disclosed the application in which the application includes substantially no software infrastructure for performing IP telephony services locally (See section 2. The essential requirement for an H.323-based stimulus protocol is to provide a set of capabilities that allow supporting endpoints access to a potentially unlimited set of supplementary services. There are many benefits to such a protocol, such as allowing endpoints to remain relatively lightweight, and providing a degree of isolation from the effect of new feature introduction. A feature server typically controls these services themselves).

Regarding claim 17, H.323 disclosed an application in which the application comprises a set of interpreted commands (See section 3.3. H.323 endpoints support the transaction level procedures/commands of Recommendation H.248 Section 7.2).

Regarding claim 18, H.323, however, fails to disclose the application in which the application comprises an applet performed by a virtual machine.

Pounds disclosed that the Applet, a browser type interface, is preferable at the PC level for remote administration/configuration purposes to a communication system (See DETX paragraph 206).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the Applet as a browser type interface, the motivation being that by using the Applet interface, it would be easier for the users to remotely configure and access to the remote feature server.

7. Claim 13, 24-28, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over H.323 in view of Pounds and in further view of Dialpad.

Regarding claim 13, H.323 disclosed a system comprising: a stimulus client configured to receive user input requesting an Internet Protocol (IP) telephony service and communicate the received input over a packet-based network using a standard call control protocol; a call agent, executing on a remote server connected to the packet-based network, configured to perform the requested IP telephony service based on the received input (See Fig. 1 & 2. H.323 describes stimulus signaling procedures between H.323 terminals and a Feature Server functional entity. This stimulus method allows the network service provider to implement new supplementary services for the terminals without changes in the terminal software, which results in easier maintenance. For interoperability, standard H.225.0 signaling is used for basic call control. Mechanisms based on Recommendation H.248 are used to manipulate physical terminations such as speaker or handset).

Pounds disclosed Dual Tone Multi-Frequency (DTMF) input could be used at the input level of the communication system (See DETX paragraph 12).

H.323 and Pounds, however, fail to disclose the application in which the application layer comprises a user interface having a plurality of graphic controls for receiving user input.

Dialpad disclosed a PC window comprises a user interface for dialing the telephone number and the volume control as graphical controls (See section "How to use Dialpadchameleon").

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the graphical control interface into the client application, the motivation being that with the graphical interface, it would be easier for users to use the phone service at the PC level.

Regarding claim 24, H.323 and Pounds, however, fail to disclose the application in which the application layer comprises a user interface having a plurality of graphic controls for receiving user input.

Dialpad disclosed a PC window comprises a user interface for dialing the telephone number and the volume control as graphical controls (See section "How to use Dialpadchameleon").

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the graphical control interface into the client application, the motivation being that with the graphical interface, it would be easier for users to use the phone service at the PC level.

Regarding claim 25, H.323 disclosed information received from the feature server and use the received information to control elements of the telephony user interface (See Fig. 1 & 2. H.323 describes stimulus signaling procedures between H.323 terminals and a Feature Server functional entity. This stimulus method allows the network service provider to implement new supplementary services for the terminals without changes in the terminal software, which results in easier maintenance).

Regarding claim 26, H.323 disclosed the software which the standard call control protocol comprises a stimulus protocol (See Fig. 1 & 2. H.323 describes stimulus

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signaling procedures between H.323 terminals and a Feature Server functional entity.

Standard H.225.0 signaling is used for basic call control).

Regarding claim 27, H.323 disclosed the software, which the standard comprises, a Media Gateway Control call control protocol (MGCP) (See section 1: "Mechanisms based on Recommendation H.248 are used to manipulate physical terminations such as speaker or handset". H.248 is Media Gateway Control Protocol (MGCP) stack).

Regarding claim 28, H.323 disclosed the standard call control protocol comprises an ITU-T H.248 protocol (See section 1: "Mechanisms based on Recommendation H.248 are used to manipulate physical terminations such as speaker or handset". H.248 is Media Gateway Control Protocol (MGCP) stack).

Regarding claim 30, H.323 disclosed the software further comprising instructions to receive user input requesting initiation of Internet Protocol telephony service and, in response to the received user input, download and launch an IP telephony client application (See Fig. 1 & 2. H.323 describes stimulus signaling procedures between H.323 terminals and a Feature Server functional entity. This stimulus method allows the network service provider to implement new supplementary services for the terminals without changes in the terminal software, which results in easier maintenance. Standard H.225.0 signaling is used for basic call control).

8. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over H.323 in view of Dialpad and in further view of Pounds.

Regarding claim 22, H.323 disclosed a system comprising: a stimulus client configured to receive user input requesting an Internet Protocol (IP) telephony service and communicate the received input over a packet-based network using a standard call control protocol; a call agent, executing on a remote server connected to the packet-based network, configured to perform the requested IP telephony service based on the received input (See Fig. 1 & 2. H.323 describes stimulus signaling procedures between H.323 terminals and a Feature Server functional entity. This stimulus method allows the network service provider to implement new supplementary services for the terminals without changes in the terminal software, which results in easier maintenance. For interoperability, standard H.225.0 signaling is used for basic call control. Mechanisms based on Recommendation H.248 are used to manipulate physical terminations such as speaker or handset).

Dialpad disclosed a PC window comprises a user interface for dialing the telephone number and the volume control as graphical controls (See section "How to use Dialpadchameleon").

H.323 and Dialpad, however, fails to disclose the application in which the application comprises an applet performed by a virtual machine.

Pounds disclosed that the Applet, a browser type interface, is preferable at the PC level for remote administration/configuration purposes to a communication system (See DETX paragraph 206).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the Applet as a browser type interface, the motivation

being that by using the Applet interface, it would be easier for the users to remotely configure and access to the remote feature server.


### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Q. Le whose telephone number is 571-272-2246. The examiner can normally be reached on 8 AM -5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ken Vanderpuye can be reached on 571-272-3078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VL



**KENNETH VANDERPUYE  
PRIMARY EXAMINER**